

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN DOE
Plaintiff/Counterclaim Defendant,

Case No. 4:23-cv-01312-SEP

vs.

LESLIE SUTTON

Defendant/Counterclaim Plaintiff

**PLAINTIFF /COUNTERCLAIM DEFENDANT DOE'S
COUNTERCLAIM ANSWER AND AFFIRMATIVE DEFENSES**

COMES NOW Plaintiff/Counterclaim Defendant Doe, by and through his undersigned attorney, and for his Counterclaim Answer and Affirmative Defenses states as follows:

ANSWER

Jurisdiction

1. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 1 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.
2. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 2 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.
3. Plaintiff/Counterclaim Defendant Doe admits that this Court is a proper venue for Defendant/Counterclaim Plaintiff Sutton's claims, but denies all remaining

allegations contained in paragraph 3 of the Counterclaim Complaint not expressly admitted.

Facts Relevant to All Counts

4. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 4 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.
5. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 5 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.
6. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 6 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.
7. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 7 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.
8. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 8 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.
9. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 9 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

10. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 10 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

11. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 11 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

12. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 12 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

13. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 13 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

14. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 14 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

15. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 15 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

16. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 16 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

17. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 17 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

18. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 18 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

19. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 19 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

20. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 20 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

21. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 21 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

22. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 22 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

23. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 23 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

24. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 24 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

25. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 25 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

26. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 26 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

27. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 27 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

28. Plaintiff/Counterclaim Defendant Doe is without sufficient information to form a belief as to the truth of the how "GGGregson112 learned about Plaintiff/Counterclaim Defendant Doe's relationship with Defendant/Counterclaim Plaintiff Sutton, but admits the rest of the allegations contained in paragraph 28 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

29. Plaintiff/Counterclaim Defendant Doe is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 29 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint. To the

extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant denies the factual allegations in this Paragraph.

30. Plaintiff/Counterclaim Defendant Doe is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 30 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant denies the factual allegations in this Paragraph.

31. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 31 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

32. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 32 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

33. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 33 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

34. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 34 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

35. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 35 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

36. Plaintiff/Counterclaim Defendant Doe admits the allegations contained in paragraph 36 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

37. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 37 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

38. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 38 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

39. Plaintiff/Counterclaim Defendant Doe is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 39 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant denies the factual allegations in this Paragraph.

COUNT I: DEFAMATION

40. Plaintiff/Counterclaim Defendant Doe incorporates all preceding Paragraphs and all applicable affirmative defenses for his response to this Paragraph.

41. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

42. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this

claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

43. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

44. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

45. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

46. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

47. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual

allegations in this Paragraph.

48. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

49. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

FURTHER, Plaintiff/Counterclaim Defendant Doe denies that Defendant/Counterclaim Plaintiff Sutton is entitled to judgment on Count I of the Complaint. Plaintiff/Counterclaim Defendant Doe denies, too, that Defendant/Counterclaim Plaintiff Sutton is entitled any relief sought in Count I of the Complaint and denies that Defendant/Counterclaim Plaintiff Sutton has stated any claim upon which relief can be granted.

COUNT II: PUBLIC DISCLOSURE OF PRIVATE FACTS

50. Plaintiff/Counterclaim Defendant Doe incorporates all preceding Paragraphs and all applicable affirmative defenses for his response to this Paragraph.

51. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

52. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

53. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

54. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

55. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

56. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

57. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is

deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

58. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

59. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

FURTHER, Plaintiff/Counterclaim Defendant Doe denies that Defendant/Counterclaim Plaintiff Sutton is entitled to judgment on Count I of the Complaint. Plaintiff/Counterclaim Defendant Doe denies, too, that Defendant/Counterclaim Plaintiff Sutton is entitled any relief sought in Count I of the Complaint and denies that Defendant/Counterclaim Plaintiff Sutton has stated any claim upon which relief can be granted.

COUNT III: FALSE LIGHT INVASION OF PRIVACY

60. Plaintiff/Counterclaim Defendant Doe incorporates all preceding Paragraphs and all applicable affirmative defenses for his response to this Paragraph.

61. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 61 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

62. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 62 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

63. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 63 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

64. Plaintiff/Counterclaim Defendant Doe denies the allegations contained in paragraph 64 of Defendant/Counterclaim Plaintiff Sutton's Counterclaim Complaint.

FURTHER, Plaintiff/Counterclaim Defendant Doe denies that Defendant/Counterclaim Plaintiff Sutton is entitled to judgment on Count I of the Complaint. Plaintiff/Counterclaim Defendant Doe denies, too, that Defendant/Counterclaim Plaintiff Sutton is entitled any relief sought in Count I of the Complaint and denies that Defendant/Counterclaim Plaintiff Sutton has stated any claim upon which relief can be granted.

COUNT IV: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

65. Plaintiff/Counterclaim Defendant Doe incorporates all preceding Paragraphs and all applicable affirmative defenses for his response to this Paragraph.

66. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

67. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

68. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

69. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

70. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

71. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

72. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is

deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

73. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

74. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

75. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

76. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

77. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

78. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

79. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

FURTHER, Plaintiff/Counterclaim Defendant Doe denies that Defendant/Counterclaim Plaintiff Sutton is entitled to judgment on Count I of the Complaint. Plaintiff/Counterclaim Defendant Doe denies, too, that Defendant/Counterclaim Plaintiff Sutton is entitled any relief sought in Count I of the Complaint and denies that Defendant/Counterclaim Plaintiff Sutton has stated any claim upon which relief can be granted.

COUNT V: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

80. Plaintiff/Counterclaim Defendant Doe incorporates all preceding Paragraphs and all applicable affirmative defenses for his response to this Paragraph.

81. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

82. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this

claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

83. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

84. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

85. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

86. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

87. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual

allegations in this Paragraph.

88. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

89. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

90. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

91. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

92. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

93. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this

claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

94. Plaintiff/Counterclaim Defendant Doe files his Motion to Dismiss as to this claim and he makes no answer thereto. To the extent that further response is deemed necessary, Plaintiff/Counterclaim Defendant Doe denies all factual allegations in this Paragraph.

FURTHER, Plaintiff/Counterclaim Defendant Doe denies that Defendant/Counterclaim Plaintiff Sutton is entitled to judgment on Count I of the Complaint. Plaintiff/Counterclaim Defendant Doe denies, too, that Defendant/Counterclaim Plaintiff Sutton is entitled any relief sought in Count I of the Complaint and denies that Defendant/Counterclaim Plaintiff Sutton has stated any claim upon which relief can be granted.

AFFIRMATIVE DEFENSES

FURTHER ANSWERING, Plaintiff/Counterclaim Defendant Doe states the following additional defenses and affirmative defenses. They have all been designated as affirmative defenses out of an abundance of caution, but in doing so Plaintiff/Counterclaim Defendant Doe does not hereby assume the burden of proof as to any defense which is not legally an affirmative defense, nor waive any position that a particular listed defense is not an affirmative defense:

1. Plaintiff/Counterclaim Defendant Doe's statements were truthful.
2. Plaintiff/Counterclaim Defendant Doe disclosed information that was already

made public.

3. Plaintiff/Counterclaim Defendant Doe's actions were justified or privileged such that Plaintiff/Counterclaim Defendant cannot be held liable for false light, defamation, public disclosure of private facts, intentional infliction of emotional distress, or negligent infliction of emotional distress.
4. Defendant's/Counterclaim Plaintiff Sutton's Counterclaim Complaint fails to state a claim for which relief can be granted.
5. Defendant/Counterclaim Plaintiff Sutton fails to plead a recognized cause of action.
6. Defendant/Counterclaim Plaintiff Sutton failed to mitigate her damages and, as such, is not entitled to recover.
7. Defendant's/Counterclaim Plaintiff Sutton's claims asserted in her Counterclaim Complaint are barred by applicable statutes of limitations or other time limitations, either in whole or in part.
8. Defendant's/Counterclaim Plaintiff Sutton's claims are barred by the doctrine of waiver, laches, estoppel, and unclean hands.
9. Defendant's/Counterclaim Plaintiff Sutton's damages may be limited due to after-acquired evidence.
10. The damages alleged by Defendant/Counterclaim Plaintiff Sutton are the result of independent and superseding acts or omissions by third persons, over whom the Plaintiff/Counterclaim Defendant Doe had neither control nor responsibility.

11. Defendant/Counterclaim Plaintiff cannot seek attorney's fees for any of the claims asserted in her Counterclaim Complaint.
12. At all relevant times, Plaintiff/Counterclaim Defendant Doe acted in good faith.
13. Plaintiff/Counterclaim Defendant Doe reserves the right to amend, modify, or plead additional defenses based upon facts or information ascertained through discovery.

Respectfully Submitted,

OTT LAW FIRM

/s/ Mark Edward Blankenship Jr. _____

Joseph A. Ott, #67889

Mark E. Blankenship Jr., #73123

3544 Oxford Blvd

Maplewood, MO 63143

Phone: (314) 293-3756

Fax: (314) 689-0080

joe@ott.law

mark@ott.law

Attorneys for Plaintiff/

Counterclaim Defendant

CERTIFICATE OF SERVICE

I caused a copy of the forgoing to be served upon all counsel of record this 18th Day of April 2025 through electronic mail.

Justin A. Hardin, #57555MO
BROWN & JAMES, P.C.
800 Market Street, Suite 1100
St. Louis, MO 63101
Phone: (314) 421-3400
Fax: (314) 421-3128
jhardin@bjpc.com
*Attorneys for Defendant/
Counterclaim Plaintiff*

/s/ Mark E. Blankenship Jr.